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Letter dated 14 November 2016 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

On 22 November 2016, the Security Council, under the Presidency of Senegal, will hold a public debate on "Water, peace and security".

In this regard, I have pleasure in transmitting a concept paper (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as an official document of the Security Council.

(*Signed*) Fodé **Seck**
Ambassador
Permanent Representative

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Annex to the letter dated 14 November 2016 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

[Original: English]

Concept note for the Security Council open debate on water and peace and security, to be held on 22 November 2016

Background

On 22 November 2016, under the presidency of Senegal, the Security Council will hold an open debate on water and peace and security.

The convening of the debate is the result of a profound reflection about the issue of water in today's and tomorrow's world, in particular the links between the needs for water and for access to this vital resource, the dialectic between water scarcity and the increasing world population and, more importantly, the strategic place given to water in the policies of various countries, which may lead to contentious relationships between them.

In addition, attacks against and limitations of access to water resources during armed conflicts, which may be used as a method of war, in flagrant violation of the relevant provisions of international humanitarian law, will be noted. The aim of the debate is to take a close look at the issue of water as a driver of conflict and at the need for the protection of this essential resource in the context of armed conflict.

Water has always been considered as a driver of conflict, but the geographic distribution of the resource worldwide and the impact of its continued scarcity have made the situation even more acute.

Fresh water represents 2 per cent of the total water in the world but just 0.02 per cent is usable by human societies.

Nine countries share 60 per cent of the world's water reserves, namely, Brazil, Canada, China, Colombia, India, Indonesia, Peru, the Russian Federation and the United States of America.

Asia accounts for 61 per cent of the world's population but has 36 per cent of available water resources, whereas Europe, with 12 per cent of the world's population, has 8 per cent of the water. Latin America has 6 per cent of the world's population and 26 per cent of the world's water resources.

In addition to inequitable geographic distribution, the scarcity of this resource seems to be a part of an irreversible process owing to the combined effects of the growing world population, the increase in water requirements and urbanization, as well as global warming.

There are 1.7 billion people who are currently lacking fresh water and are below the real rarity threshold established by the United Nations, 1,000 m^3 per person per year. This number is expected to rise to 2.4 billion people by 2025.

The unequal geographic distribution of water and its continuing scarcity pose the thorny question of how to manage access to water and water-sharing in many

regions in order to avoid water stress, which could lead to fierce competition between States over transboundary waters and to regional instability. For security reasons, States might adopt a unilateral approach that could arouse a reaction from neighbouring countries, which is why there is a need to consider water resources as a potential driver of conflict.

Water is a fundamental pillar of the development and security policy of States and as such a geostrategic issue. Several disputes involve the issue of access to water, its management and its exploitation, which may explain the strained relationships between upstream and downstream countries.

In this regard, it is important to underscore that several efforts have been deployed over the years to promote peaceful solutions by concluding bilateral and multilateral instruments between States, including the signature of 200 treaties on 60 international watercourses since the end of World War II. Given the complexity of the issue, however, much more remains to be done. It is particularly worrying that 158 of the 263 international watercourses have no cooperation framework in place, which highlights the importance of political will in managing water-sharing and access to water.

According to many specialists, unequal access to water will be the main cause of tomorrow's conflicts. As observed by former Secretary-General Kofi Annan, the fierce competition for fresh water may well become a source of conflict and war in the future but could be a catalyst for cooperation.

In the same way that disputes over oil and land have led to conflicts now and in the past, disputes over water could lead to confrontations in the future, if nothing is done. As noted in *The United Nations World Water Development Report 2015*, inter-State and regional conflicts may also emerge owing to water scarcity and poor management structures.

Adding the issue of water to existing problems exacerbates disputes between States, and it is often linked, for political purposes, to territorial, social and economic disputes.

Facing such a challenge, the international community should not lose hope, because peaceful solutions, such as cooperation and mediation, already exist but must be promoted and strengthened with the political will of Member States and international organizations in order to serve as a tool for the prevention of conflict.

Mindful of this, Senegal has opted for cooperation in access to water and water-sharing regarding the Senegal watercourse and the Gambia River. In both cases, the watercourses are the shared property of Member States, investments are made together and benefits are at the disposal of all. The Security Council meeting on water and peace and security, held on 22 April 2016, provided an opportunity to present the institutionalization of water-sharing by the Organization for the development of the Senegal River and the Gambia River.

In recognition of these efforts to promote regional peace and stability, Senegal was selected to be member of the Global High-level Panel on Water and Peace. This longstanding commitment was strengthened by the President of Senegal, Macky Sall, who was recently appointed as a member of the joint United Nations-World Bank High-Level Panel on Water.

Similar initiatives to promote transboundary water cooperation as a way of addressing common challenges have also been taken in many other regions, such as South Asia, Europe and the Lake Chad basin.

With regard to international mediation, it will be underscored that the United Nations, through the Department of Political Affairs, has been deploying many preventive diplomatic efforts aimed at promoting and supporting regional cooperation on water management.

On the other hand, lack of respect for international humanitarian law has led to many challenges with regard to the protection of water in the context of armed conflict. International humanitarian law provides for the general protection of civilians and civilian objects from attacks and the effects of attacks, the protection of water resources from deliberate contamination and special protection for objects that are indispensable to the survival of the civilian population, such as drinking water installations, water supplies and irrigation works, sewage evacuation systems that prevent the contamination of the environment and objects that contain dangerous forces, such as dams.

As such, water systems include not only the hardware, such as electrical lines, water plants and distribution systems, but also the staff at all levels, from plant operators to management, and the movement of essential supplies, such as chemicals to treat water, spare parts for repairs and fuel for generators.

Attacks against and limitations of access to water resources may be used as a method of war to displace populations and to change the demographic nature of a territory. Water installations are also subject to attack from armed groups during armed conflicts, highlighting the need to protect them in accordance with the relevant provisions of international humanitarian law.

In this regard, under Protocols I and II of 8 June 1977 additional to the Geneva Conventions, there are several restrictions on military operations during armed conflict. Article 54, paragraph 2, of Protocol I and article 14 of Protocol II both state that objects indispensable to the survival of the civilian population, such as drinking water installations and supplies and irrigation works, enjoy special protection.

There are other provisions, such as article 29 of the Convention on the Law of the Non-navigational Uses of International Watercourses, that emphasize the protection given to international watercourses and related installations by the principles and rules of international law applicable in international and non-international armed conflict.

Moreover, depending on the circumstances, some acts in violation of those provisions might constitute war crimes under article 8 of the Rome Statute establishing the International Criminal Court. Applicable human rights law on the right to water as a component of the right to an adequate standard of living, as enshrined in article 25 of the Universal Declaration of Human Rights or article 12 of the International Covenant on Economic, Social and Cultural Rights, may complement this protection.

Other challenges exist for the protection of water in the context of armed conflict. The interdependencies between essential services lead to reverberating

effects. A single bomb blast can damage a pipe or substation, which can in turn result in water supplies being cut off for weeks, affecting hundreds of thousands of people and having a severe impact on public health.

In addition, there are direct, indirect and cumulative impacts of armed conflict on water and other essential services. Basic water and sanitation services depend on essential infrastructure and the availability of spare parts and skilled staff. Electricity supply, pumping stations, reservoirs and pipe systems can be destroyed or rendered useless by frequent damage to them. Physical damage to infrastructure often results from violations of international humanitarian law. Even when aimed at a military objective, the use of explosive weapons with wide-area effects may incidentally damage the infrastructure in the vicinity of the target.

In situations of armed conflict, supplies are severely limited and often technical staff are killed or flee, resulting in a lack of infrastructure maintenance, which can eventually lead to long-term deterioration of water or other essential services. The cumulative impact of armed conflict is the most destructive and the most difficult to recover from, typically owing to the large scale of the work necessary to rehabilitate infrastructure to restore services.

In urban contexts, the impact can be particularly extensive owing to the large scale of essential services for large urban centres and their technical complexity, both of which make it difficult, if not impossible, to perform emergency repairs in a timely manner. Some 50 million people worldwide are affected by armed conflict in urban areas, with secondary effects that extend beyond the visible signs of destruction.

Objectives and possible questions to consider

The open debate will be an opportunity to showcase successful experiences and mechanisms for cooperation and mediation with a view to strengthening one of the weaknesses of the United Nations, the prevention of conflict. Member States are therefore invited to consider:

(a) How to encourage countries that are facing water-related issues to opt for cooperation in addressing their respective needs;

(b) How to strengthen cooperation between the United Nations and Member States, as well as regional or subregional organizations, that are dealing with water resources, in particular in the field of capacity-building;

(c) How to enhance the contribution of the Department of Political Affairs and the Special Representatives of the Secretary-General in supporting mediation processes at the request of Member States;

(d) The role of the Security Council, which is tasked with the maintenance of international peace and security, in preventing and managing water-related conflict situations;

(e) The need to better protect water resources during situations of armed conflict, by reaffirming the need to respect and ensure respect for obligations under international humanitarian law;

(f) The importance of water in terms of dialogue in armed conflict. Even in the direst situations, parties to armed conflict engage in dialogue when water is at stake, yet it is important to recognize that, although water can provide an opportunity for cooperation, attacks on water services can also be used as a method of warfare and/or as leverage in negotiations;

(g) The best ways to use the protection of water in armed conflicts as a confidence-building measure to support negotiations between parties when they are considering the cessation of hostilities or the signature of a peace agreement.

Briefers

- Secretary-General of the United Nations
- Chair of the Global High-level Panel on Water and Peace, Danilo Turk
- Vice-President of the International Committee of the Red Cross, Christine Beerli
- President of the Strategic Foresight Group, Sundeep Waslekar